

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

REMARKS

As aforementioned, per the direction of The United States Patent and Trademark Office, claim informalities in Claims 32, 36, 41, 46 have been corrected. Also, the drawings, which failed to comply with 37 CFR 1.84(p)(5) due to containing referenced character(s) or referenced sign(s) not mentioned in the Specification(s) in the Brief Description(s), have been addressed with either a "Replacement Sheet" of the non-complying Figure pursuant to 37 CFR 1.121(d) or a modification in the non-complying Specification(s), and Specifications citing incorrect Figure numbering have been changed to comply.

Specification Page 8, 4th paragraph, line 5 should read: Then, an invitation to bid, rate and or communicate (ITB) for shipping at least one load is automatically created by the system from the submitted RFB and automatically electronically transmitted from the central processing system to a least one or a plurality of qualified carriers, without the carriers initiating communication with the computer system.

Specification Page 9, 1st paragraph, line 3 should read: "At least one of the carriers then enters a bid and/or rate, dollar amounts being positive, zero or negative, for each load desired which are then submitted and electronically received at the central processing system."

Specification Page 17, 1st paragraph, line 5 should read: "The central processing system 10 then analyses the bids and/or rates, dollar amounts being positive, zero or negative, by executing logic block 16 to select a group of the "best seven" bids and/or rates."

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Specification Page 16, 1st paragraph, line 2 should read: "And in alternative modes of operation, the computer 12, 13 are operated with computer-generated or ~~fax-transmitted~~ facsimile machine 35, 36 transmitted forms in a non-browser environment, and the data from these forms is transmitted in data files or facsimile files by e-mail or by a dial-up type of network or interactive voice response (IVR)."

Specification Page 16, 3rd paragraph, line 7 should read: "The ITB 19 is then automatically electronically transmitted according to a distribution list 17 of qualifying or specifically requested carriers 13, without the carrier initiating communication with the computer system."

Specification Page 17, 1st paragraph, line 11 should read: "The bids and/or rates included in the "Best 7" report 21 then is automatically electronically transmitted to the shipper 12, without the shipper initiating communication with the computer system."

Specification Page 19, 2nd paragraph, line 2 should read: "In the second instance, the shippers and carriers can transmit a file of facsimile data to the e-mail mailboxes 32 using ~~either~~ either a personal computer 12, 13 or a facsimile machine ~~36, 37~~ 35, 36."

Fig. 1 is not missing the NETWORK SERVER COMPUTER element 28 as it is only supposed to be shown in Fig. 2. The NETWORKED COMPUTER elements 12, 13 indicated in Fig.1 are for the SHIPPER and CARRIER, respectively. To insure clarity relative to the number 28, the Specification on Page 17, line 9 should read: "However, additional groups of seven bids and/or rates can be seen beyond the initial seven ~~(i.e.: 14, 21, 28 etc.)~~ (e.g. fourteen

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

bids, twenty-one bids, twenty-eight bids, etc.) can be shown on private access networks (PAN).

Fig. 1 correctly labeled the SHIPPER FACSIMILE element as 35 and the CARRIER FACSIMILE element as 36. However, Fig. 2 requires a "Replacement Sheet" as the SHIPPER FACSIMILE element was incorrectly labeled 36 and should read 35, the CARRIER FACSIMILE element was incorrectly labeled 37 and should read 36 and the ROUTER element was incorrectly labeled 35 and should read 37. This has been corrected.

Fig. 3 drawing is not missing, as there is no Fig. 3 but rather only Figs. 3a-3m. That being said, Specification Page 21, 1st paragraph, line 1 should read: "Referring next to ~~Fig. 3~~ Figs. 3a-3m, the system and method of the present invention begins operation when a shipper 12 creates and submits a request for bids, rates and communication (RFB) 18 to ship a load." Also, Specification Page 22, 1st paragraph, 1st line should read: "In the next area 47 ~~(Fig. 3)~~ Fig. 3b, labels "Carrier Requirements" there are check boxes for load type (TL, LTL, CL, LCL), transit modefor minimum cargo insurance (i.e.: N?A to \$10,000,000)." Additionally, Specification Page 22, 2nd paragraph, 1st line should read: "In the next area 48 ~~(Fig. 4)~~ (Fig. 3b), labeled "Equipment Requirements, there are pull down menu list boxesequipment height and equipment width."

Fig. 4 requires a "Replacement Sheet" as the ADDITIONAL INFORMATION, The Commodity to be shipped is GARBAGE BAGS, The Carrier Must hold this Bid until 3:00:00 PM 04/19/1999, 22 Pallets/Exchange, The Weight of this load is 41,600 LBS element label 56 was missing from Fig. 4. This has been corrected.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Figs. 10d and 10e are, in fact, mentioned in the Specification in the Brief Description of the Drawings section, in contrast to the assertion of the United States Patent and Trademark Office. See Specification Page 20, 2nd paragraph, lines 9 and 11, respectively. That being said, Specification Page 19, 3rd paragraph, 1st line should read: "Referring to Figs. 9 and [[10]] 10a-10e, certain data from the shippers and carriers is pre-installed in the database 14."

Additionally, Claims 32-38, 41-46, 48-51, 57-60, and 63 being rejected by The United States Patent and Trademark Office under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement are shown in this Reply that they do, in fact, agree with the specification and do have sufficient support in the Specification. With these modifications Claims 39, 40, 47, 52-56, 61, 62, and 64-68 also rejected in the Office Action because they depend from a rejected claim are now compliant.

The United States Patent and Trademark Office asserted years ago that the original pending Claims 1-31 were rejected not just due to informalities but mainly because the claims were too descriptive in nature, themselves almost appearing as duplicating the specifications. That rejection required that the claims be rewritten as Claims 32-68 (One additional claim was added and the required additional fee was paid). They had to be simplified in nature but they still reflect the intention of the initial more descriptive oriented claims.

Now, after more than eight years of Office Actions and Replies, The United States Patent and Trademark Office is asserting that Claims 32-68 are being rejected in part as failing to comply with the enablement requirement of the first paragraph of 35 USC 112. Supposedly the claims not only do not agree with the specification, but they are not supported by the specification in a manner

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

enabling one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With all due respect, I not only strongly disagree with this assertion, but am frustrated and truly disappointed that such an inference would even be thought, much less be made, especially by an organization charged with reviewing patent applications, staffed with individuals schooled in the fields relating to freight transportation and the product marketplace.

To hopefully assuage this apparent confusion, the following Claims 32-68 are indicated by number along with at least one specification page number(s), paragraph(s), line(s) and figure(s) example(s) relating to each claim, with the understanding that available references in total are not limited to just these very few cited, as individual claim references are interspersed throughout the Specification and intentionally will not be included herein. Actually, with all due respect, I believe that The United States Patent and Trademark Office has made a major analysis error by issuing a blanket pronouncement relative to all Claims 32-68 being rejected via a 35 U.S.C. 112, first paragraph assertion. At this late a date and with the volume of detail indicated along with the truly unique nature of the subject matter and inventive steps within the method and system there should be no question but that the claims not only agree with but are described and supported by both the Specifications and the Figures.

Claim 32: Specification Page 6, 1st paragraph, lines 1-18; Page 15, 4th paragraph, line 1 through Page 34.
Figs. 1-10e.

Claim 33: Specification Page 9, 1st paragraph, line 10; and Page 17, 1st paragraph, line 15.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Claim 34: Specification Page 4, 1st paragraph, line 6; Page 7, 1st paragraph, line 11 through 2nd paragraph, line 4; Page 13, lines 6-10, 22; and Page 14, line 1-5;.Page 25, 2nd paragraph, line 1-8.

Claim 35: Specification Page 8, 3rd paragraph, lines 5,6 (as currently amended above); Page 9, 1st paragraph, lines 1-5 (as currently amended above).

Claim 36: Specification Page 9, 1st paragraph, lines 5-8.
Fig. 5.

Claim 37: Specification Page 6, 1st paragraph, lines 1-18; Page 15, 4th paragraph, line 1 through Page 34; (Page 30, paragraph 2, 3; Page 31, paragraph 1, 2, 3).
Fig. 1-10e.

Claim 38: Specification Page 8, 3rd paragraph, lines 5,6; Page 9, 1st paragraph, lines 1-5 (as currently amended above); Page 16, 3rd paragraph, line 7; Page 17, 1st paragraph, lines 1,2 (as currently amended above).

Claim 39: Specification Page 4, 3rd paragraph, line 1-6; Page 5, 1st paragraph, lines 1-4.

Claim 40: Specification Page 4, 3rd paragraph, line 1-6; Page 5, 1st paragraph, lines 1-4; Page 25, 4th paragraph, lines 6-9; Page 26, 1st paragraph, lines 1-3.

Claim 41: Specification Page 7, 1st paragraph, lines11-16; 2nd paragraph, lines 1-4; Page 25, 2nd paragraph lines 1-8.
Fig. 4.

Claim 42: Specification Page 8, 4th paragraph, lines 5,6 (as currently amended above); Page 9, 1st paragraph, lines 1, 2 (as currently amended above).
Fig. 4.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Claim 43: Specification Page 16, 3rd paragraph, line 7; Page 17, 1st paragraph, lines 1-15.

Fig. 5.

Claim 44: Specification Page 9, 4th paragraph, lines 1-4.

Figs. 4, 6, 7.

Claim 45: Specification Page 6, 1st paragraph, lines 1-18; Page 26, 2nd, 3rd paragraph; Page 27, 28, 29, 30, 31, 32, 1st, 2nd paragraph.

Fig. 6.

Claim 46: Specification Page 6, 1st paragraph, lines 1-18; Page 26, 2nd, 3rd paragraph; Page 27, 28, 29, 30, 31, 32, 1st, 2nd paragraph.

Fig. 6.

Claim 47: Specification Page 27, 4th paragraph, lines 1-6; Page 28, 29, 30, 31, 32 lines 1-14.

Fig. 6.

Claim 48: Specification Page 9, 1st paragraph lines 10-14; Page 17, 1st paragraph, lines 15-21.

Claim 49: Specification Page 9, 1st paragraph, lines 10-14; Page 17, 1st paragraph, lines 15-21.

Claim 50: Specification Page 9, 1st paragraph, lines 3-5 (as currently amended above); Page 17, 1st paragraph, lines 5-7 (as currently amended above).

Claim 51: Specification Page 9, 1st paragraph, lines 3-5 (as currently amended above); Page 17, 1st paragraph, lines 5-7 (as currently amended above); Page 24, 3rd paragraph, line 5; Page 25, 1st paragraph, lines 1, 2, 3.

Fig. 7.

Claim 52: Specification Page 8, 3rd paragraph; Page 9, 3rd paragraph, Page 16, 1st paragraph; Page 19, 2nd paragraph.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Fig 1, 2.

Claim 53: Specification Page 8, 3rd paragraph; Page 9, 3rd paragraph, Page 16, 1st paragraph; Page 19, 2nd paragraph.

Fig 1, 2.

Claim 54: Specification Page 8, 3rd paragraph; Page 9, 3rd paragraph, Page 16, 1st paragraph; Page 19, 2nd paragraph.

Fig 1, 2.

Claim 55: Specification Page 8, 3rd paragraph; Page 9, 3rd paragraph, Page 16, 1st paragraph.

Claim 56: Specification Page 26, 1st paragraph, line 5.

Figs. 10a-10e

Claim 57: Specification Page 16, 2nd paragraph, lines 4-10; 3rd paragraph; Page 17, 1st paragraph, lines 1-3.

Figs. 10a-10e.

Claim 58: Specification Page 16, 2nd paragraph, lines 1-3.

Fig. 9.

Claim 59: Specification Page 16, 2nd paragraph, lines 1-3.

Fig. 9.

Claim 60: Specification Page 6, 2nd paragraph, lines 1-4; Page 7, 1st paragraph, lines 1-16.

Fig. 6.

Claim 61: Specification Page 7, 2nd paragraph, line 7; Page 8, 1st paragraph, lines 1-11.

Claim 62: Specification Page 20, 2nd paragraph, lines 1-3; Page 21, 1st paragraph, lines 15-17.

Claim 63: Specification Page 6, 1st paragraph, lines 1-18; Page 15, 4th paragraph, line 1 through Page 34.

Figs. 1-10e.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Claim 64: Specification Page 15, 4th paragraph; Page 16, 1st, 2nd paragraph;
Page 17, 2ND paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 65: Specification Page 15, 4th paragraph; Page 16, 1st, 2nd paragraph;
Page 17, 2ND paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 66: Specification Page 15, 4th paragraph; Page 16, 1st, 2nd paragraph;
Page 17, 2ND paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 67: Specification Page 15, 4th paragraph; Page 16, 1st, 2nd paragraph;
Page 17, 2ND paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Claim 68: Specification Page 15, 4th paragraph; Page 16, 1st, 2nd paragraph;
Page 17, 2ND paragraph; Page 18, 19, 20 lines 1-20.

Figs. 1, 2, 9, 10a-10e.

Also, Claims 32-38, 41-46, 48-51, 57-60, and 63 being rejected by The United States Patent and Trademark Office under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, have been corrected per The United States Patent and Trademark Office relative to being unclear, indefinite, and vague. With these modifications Claims 39, 40, 47, 52-56, 61, 62, and 64-68 also rejected in the Office Action because they depend from a rejected claim have been corrected and are now compliant.

My method and system provides for a Grand Master Bulleting Board approach for freight management as never before which includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

are buyers and sellers to address, compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management, product and service environments to determine the best business decisions prior to responding all via one method and system.

With the unique flexibility of the Grand Master Bulletin Board, Master Bulletin Board and Bulletin Board method and system included in the transportation and marketplace tool concept, a shipper and product buyer and carrier and product seller is allowed to review each of the results of multiple scenarios before making a final determination and/or load, product and related element bid request, offer and selection as to the best approach, understanding that all participants can be required to meet specific qualifications to participate. This total integration of supply chain steps within one environment is literally the "Holy Grail" for optimal freight and product management. Also, using only portions of the possible features of the method and system for any particular situation does not invalidate the overall invention by requiring only one group of parameters or classifications be they in combination or separately. Public or private, loads, equipment, warehousing, products (goods or services), etc. are all integral parts of freight and product management.

While indicated in the Conclusion of The United States Patent and Trademark Office Action being addressed in this Reply, the following four (4) patents and one (1) published application were indicated as being prior art made of record and not relied upon but considered pertinent to this applicant's disclosure. As an initial overview, only the individual patents' or application's abstracts have been included for each. These five (5) supposed prior art examples are separate from and in addition to the numerous prior art assertions by the United States Patent and Trademark Office that have been individually addressed, including some in

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

extraordinarily complete detail, like Weid et al US 2005/0209913 A1, Barni et al US 6,064,981, Chou et al US 6,035,289, and Meltzer et al US 6,125,391), in my many prior Reply submittals. If and/or when required, I will also fully address these five new prior art assertions.

Bains et al (US 6,625,584): A maritime container booking process delivered via the Internet for pricing, routing and confirmed freight bookings and associated options on ocean going container ships loading and discharging in the United States of America and ports of call worldwide. By following this program the shipper can secure freight bookings, without paying for services in advance or committing to any minimum cargo volume. Pricing of the freight will be sensitive to loading ports, discharge ports, type of equipment required, type of service required, transit time and type of commodity.

Ye (US 6,374,227): A system for optimizing the allocation of a resource includes an optimizer file containing resource allocation data including a demand for allocation of the resource, a plurality of bids for the resource, and a plurality of reserve bids for the resource. A solver receives an integer program and generates an LP relaxation solution to the integer program. An optimizer engine coupled to the file and to the solver receives the data and the LP relaxation solution and generates an enhanced integer program that includes at least one cut according to the data. The cut includes a lifted cover inequality of a specified general form the LP relaxation solution violates. A specified parameter associated with the lifted cover inequality is determined according to the first heuristic. The solver generates a solution to the enhanced integer program that optimizes the allocation of the resource subject to the demand, bids, and reserve bids.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

Barns-Slavin et al (US 5,117,364): A carrier management system includes a scale for weighing parcels to be shipped, a computer connected to receive data from the scale related to the weight of a parcel thereon, and first input keys enabling the input of information. The computer has a database for storing shipping charge data for a plurality of carriers and/or shipping classes, based upon the weight of a parcel of the scale. The computer is responsive to the operation of the first keys for determining shipping charges for predetermined carriers and/or shipping classes represented by data in the database. The input includes auto-rate selection key, and the computer is responsive to operation of the auto-rate selection key for determining shipping charges of the least costly carrier and/or shipping class of a predetermined subgroup of carriers and/or shipping classes represented by data in the data base. In one operating mode, the computer may determine the next least costly shipping charges.

Cirolì, Jr. et al (US 2002/0082970 A1: Method and apparatus are disclosed for enabling a plurality of independent entities including a plurality of shippers and a plurality of carriers having connection to a communication network to conduct business transactions relating to shipment of goods.

Hall et al (US 7,395,237): An online electronic marketplace in which carriers bid for loads tendered by shippers, and shippers purchase the most attractive transportation services. The system described herein efficiently matches loads and capacities, lowers transaction costs, and creates value through enhanced visibility of information resulting in efficient transportation and financial transactions. According to specific embodiments, the present invention combines a neutral marketplace patterned after a stock exchange, with the electronic format of an Internet auction site to create a trading system for the logistics industry.

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

CONCLUSION

Hopefully now my prior August 11, 2008, 87 page Reply to the Office Action by The United States Patent and Trademark Office mailed on February 11, 2008 is no longer moot due to informalities and other of the new grounds asserted in this Office Action, which have been corrected in this 30 page Reply, thereby, allowing that previous Reply to be reviewed in its full context. That Reply addressed and summarized many aspects of subject matter and inventive steps of my invention. In addition, this Reply has shown that Claims 32-68, both previously presented and currently amended, are described and supported by the specifications and the drawings. Also, in prior Replies, I have completely addressed and believe that I have conclusively discounted all of the referenced prior art considered pertinent by The United States Patent and Trademark Office to Applicant's disclosure, thereby fully supporting that my patent application subject-matter does, in fact, comprise inventive steps, along with the currently amended claims which now contain that which has been argued in all of the independent claim limitations as well as the dependent claims completing the fully persuasive requirements and therefore, I earnestly solicit a Notice of Allowance for Claims 32-68 in my Method and System for E-Commerce Freight Management application for a patent. Reconsideration by the United States Patent and Trademark Office of this application is respectfully requested.

Respectively submitted,

Date: 3/10/09

By: 

John C. Abendroth
Inventor and Applicant
11225 N. Prairie View Lane
Mequon, WI 53092
(414) 517-3101 Cell Phone
E-mail: jabendroth@jcambax.com